## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : KANOJIA et al.

Serial No. : 10/719,875

Art Unit:

Filed

: November 21, 2003

Examiner: N/A

For

: NOVEL HETEROATOM CONTAINING TETRACYCLIC DERIVATIVES

AS SELECTIVE ESTROGEN RECEPTOR MODULATORS

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Joseph S. Kentoffio (Name of applicant, assignee, or Registered Representative)

June 14, 2004

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Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

#### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on July 24, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

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	§1.17(p).

In accordance with \$1.97(c), this Information
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Action under \$1.113 or a Notice of Allowance under \$1.311, or an
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		\$1.17(p).
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Accordanc	e with	§1.97(e) as set forth below and the fee of
\$180.00 a	s set	forth in §1.17(p).
$\boxtimes$	Copie	es of each of the references listed on the
attached	Form P	TO-1449 are enclosed herewith.
_	<b>a</b> <del>:</del> -	and the estimated Form PMO-
1440	-	es of references listed on the attached Form PTO-
1449 are	encios	ed herewith EXCEPT THAT:
	_	In view of the voluminous nature of references
	L	
		[list as appropriate], and the likelihood that
		these references are available to the Examiner,
		copies are not enclosed herewith.
		TC C. th. C muhlinghign non
		If any of the foregoing publications are not
		available to the Examiner, Applicant will
		endeavor to supply copies at the Examiner's
		request.
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	_	s of only foreign patent documents and non-patent
		enclosed in accordance with 37 CFR 1.98 (a)(2).
		ts and each U.S. patent application publication
listed on	the at	ttached Form PTO-1449 are not enclosed because

this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i). There are no listed references which are not in the 冈 English language. The relevance of those listed references which are not П in the English language is as follows: Attached are copies of search report(s) from 冈 corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed Attached are the following non-published pending

patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT-1547/JSK. This form is submitted in triplicate.

Respectfully submitted,

ttorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-3711

June 14, 2004 DATED: Customer No. 000027777

### SUBMISSION UNDER MPEP 609 D

Application Number 10/719,875
Filing Date 11/21/2003
First Named Inventor Kanojia, Ramesh M.
Group Art Unit
Examiner Name N/A
Attorney Docket Number ORT-1547-US-CIP

Page 1 of 1

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U.S. PATENT DOCUMENTS							
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Examiner Initials	Cite		Number	Kind Code <sup>2</sup> (if known)	where relevant passages or relevant figures appear		
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FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages or relevant figures Name of Patentee or Examiner Cite т<sup>6</sup> Applicant of Cited Document appear Office<sup>3</sup> Number<sup>4</sup> KindCode<sup>5</sup> Initials No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS
Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published Cite No.1 T² Examiner Initials\* PCT International Search Report for International Application PCT/US03/37419, dated 16 March 2004

Examiner	Date	
Signature	Considered	

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

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Application Number	10/719,875
Filing Date	11/21/2003
First Named Inventor	KANOJIA, Ramesh M.
Group Art Unit	
Examiner Name	Not yet assigned
Attorney Docket Number	ORT-1547-US-CIP

U.S. PATENT DOCUMENTS							
Examiner Initials		U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Pages, Columns, Lines, where relevant passages	
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#### FOREIGN PATENT DOCUMENTS Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or passages or relevant Examiner Initials Cite T6 mm-dd-yyyy Applicant of Cited Document figures appear Office<sup>3</sup> Number<sup>4</sup> KindCode<sup>5</sup> No.1 03-13-1997 WO 9709044 Lilly Co. Eli WO 03053977 Ortho McNeil Pharm. Inc. 07-03-2003

Examiner	<u> </u>	Date	· · · · · · · · · · · · · · · · · · ·
Signature		Considered	

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. 6 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.